

PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

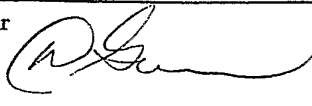
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 21 MAR 2006

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Applicant's or agent's file reference 03-1446PCT	FOR FURTHER ACTION		See Form PCT/IPEA/416																								
International application No. PCT/US05/03326	International filing date (day/month/year) 28 January 2005 (28.01.2005)	Priority date (day/month/year) 28 January 2004 (28.01.2004)																									
International Patent Classification (IPC) or national classification and IPC IPC: B65C 15/00;E04H 6/24 (2006.01) USPC: 414/281,234																											
Applicant ROSENBERG, CHRISTIAN F.																											
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>3</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p style="margin-left: 20px;">a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>2</u> sheets, as follows:</p> <p style="margin-left: 40px;"><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p style="margin-left: 40px;"><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p style="margin-left: 20px;">b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>																											
<p>4. This report contains indications relating to the following items:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 10%; text-align: center;"><input checked="" type="checkbox"/></td> <td style="width: 20%;">Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>				<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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Date of submission of the demand 28 November 2005 (28.11.2005)		Date of completion of this report 22 February 2006 (22.02.2006)																									
Name and mailing address of the IPEA/ US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201		Authorized officer Eileen D. Lillis  Telephone No. (571) 272-6928																									

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/US05/03326

Box No. I Basis of the report1. With regard to the **language**, this report is based on:

- ☒ the international application in the language in which it was filed.
- ☐ a translation of the international application into English, which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
- ☐ publication of the international application (under Rule 12.4(a))
- ☐ international preliminary examination (under Rules 55.2(a) and/or 55.3(a))

2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

- ☐ the international application as originally filed/furnished
- ☒ the description:
pages 1-5 as originally filed/furnished
pages* NONE received by this Authority on _____
pages* NONE received by this Authority on _____
- ☒ the claims:
pages none as originally filed/furnished
pages* 6 and 7 as amended (together with any statement) under Article 19
pages* NONE received by this Authority on _____
pages* NONE received by this Authority on _____
- ☒ the drawings:
pages 1-9 as originally filed/furnished
pages* NONE received by this Authority on _____
pages* NONE received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☒ The amendments have resulted in the cancellation of:

- ☒ the description, pages none
- ☒ the claims, Nos. none
- ☒ the drawings, sheets/figs none
- ☒ the sequence listing (*specify*): none
- ☒ any table(s) related to the sequence listing (*specify*): none

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to the sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/US05/03326**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims <u>3 and 8-11</u>	YES
	Claims <u>1,2,4,5,6,7 and 12</u>	NO
Inventive Step (IS)	Claims <u>NONE</u>	YES
	Claims <u>1-12</u>	NO
Industrial Applicability (IA)	Claims <u>1-12</u>	YES
	Claims <u>NONE</u>	NO

2. Citations and Explanations (Rule 70.7)
Please See Continuation Sheet

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of:

V. 2. Citations and Explanations:

Claims 1,2 and 4-6 lack novelty under PCT Article 33(2) as being anticipated by Gruner. Regarding claims 1 and 4 Grunner US 6,162,003 discloses a water draft storage and retrieval facility comprising:

- a plurality of storage locations;

- a plurality of cradles for supporting water craft thereon;

- said cradled movable into and out of said storage locations;

- a prime mover having a tow frame thereon movable horizontally relative to the prime mover;

- said prime mover moving both in the vertical and horizontal directions;

- said tow frame having a means to engage a cradle such as to move the cradle onto or off of said prime mover.

Regarding claim 2 Grunner also disclose structural members for supporting said cradle, said members being horizontally disposed.

Regarding claims 5 and 6 Grunner also discloses means to align said prime mover with a storage location for either deliver of or retrieval of a cradle to said storage location.

Claim 3 lacks an inventive step under PCT Article 33(3) as being obvious over the prior art as applied in the immediately preceding paragraph and further in view of Maffett et al. Grunner teaches the limitations of claim 1 as above, he does not teach using an overhead crane to support the prime mover. Maffett et al. US 6,007,288 teaches a boat storage facility that employs an overhead crane (18) to move boats into and out of a plurality of storage locations. It would have been obvious to one of ordinary skill in the art, at the time of invention to provide the device taught by Grunner with an overhead crane as taught by Maffett et al. in order to

Supplemental Box

allow the device to be more stable when lifting heavy loads to the higher reaches of the storage facility.

Claims 7 and 12 lack novelty under PCT Article 33(2) as being anticipated by Guntch and Hubman (herein Guntch). Regarding claim 7 Guntch DE 3937097 discloses a boat storage facility comprising:

a plurality of storage spaces for boats in a series of rows and columns;

a prime mover (40) having a motor driven towing means (43);

the prime mover being both horizontally and vertically movable;

said towing means having a means (44) to engage a cradle (50) for movement of the cradle onto and off of said prime mover.

Regarding claim 12 Guntch also discloses that the motor (45) for the towing means is located on the prime mover and the prime mover is suspended from a traveling crane that can move in three orthogonal directions with a cradle thereon.

Claims 8-11 lack an inventive step under PCT Article 33(3) as being obvious over Guntch in view of Gruner. Guntch teaches the limitations of claim 7 as above, they do not explicitly teach rails in the storage areas. Gruner teaches a water draft storage and retrieval facility comprising:

a plurality of storage locations;

a plurality of cradles for supporting water craft thereon;

said cradled movable into and out of said storage locations;

a prime mover having a tow frame thereon movable horizontally relative to the prime mover;

said prime mover moving both in the vertical and horizontal directions;

said tow frame having a means to engage a cradle such as to move the cradle onto or off of said prime mover;

wherein said towing device and the cradle move along a plurality of rails both in the prime mover and the storage area. It would have been obvious to one of ordinary skill in the art, at the time of invention to provide the prime mover taught by Guntch with rails as taught by Gruner in order to accurately move the boat and associated cradle into and out of the storage location such that it is aligned properly with the prime mover at all times.

Claims 1-12 meet the criteria set out in PCT Article 33(4), and thus has industrial applicability because the subject matter claimed can be made or used in industry.

----- NEW CITATIONS -----

DE 3937097 A1 (Guntch & Hubman) 11 May 1990 (11.05.1990) Figures 1,4 and 4a.

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CLAIMS

5 1. A watercraft storage and retrieval apparatus comprising a plurality of storage locations defined by structural members, a plurality of cradles for supporting watercraft thereon, said cradles movable into, and out of, the storage locations,

 a prime mover having a tow frame thereon movable horizontally
10 relative to the prime mover, said prime mover movable both horizontally and vertically,

 and means on the tow frame to engage and disengage a cradle for movement of the cradle onto, and off of, the prime mover.

 2. The watercraft storage and retrieval apparatus of claim 1 wherein at
15 least some of the structural members forming the storage locations are horizontal and form storage rails for supporting cradles.

 3. The watercraft storage and retrieval apparatus of claim 1, including a traveling crane, said prime mover being suspended from the crane.

 4. A watercraft storage and retrieval system comprising a plurality of
20 storage locations, a prime mover for carrying, delivering and retrieving a watercraft, said prime mover including a tow frame thereon,

 a plurality of boat supporting cradles associated with the storage locations, said cradles connectable to the tow frame for retrieval from, and delivery to, the storage locations.

25 5. The watercraft storage and retrieval system of claim 4, including means to engage and align the prime mover to any one of the storage locations for delivery of a cradle to, or retrieval of a cradle from, said storage location.

 6. The watercraft storage and retrieval apparatus of claim 1, including means to engage and align the prime mover to any one of the storage locations for
30 delivery of a cradle to, or retrieval of a cradle from, said storage location.

 7. A watercraft storage and retrieval apparatus comprising a plurality of storage locations defined by structural members, a plurality of cradles for supporting watercraft thereon, said cradles movable into, and out of, the storage locations,

7.

a prime mover having motor driven towing means thereon movable horizontally relative to the prime mover, said prime mover movable both horizontally and vertically,

5 said towing means including means to engage and disengage a cradle for movement of the cradle onto, and off of, the prime mover.

8. The watercraft storage and retrieval apparatus of claim 7 wherein said prime mover includes rails upon which at least one cradle can roll with a watercraft thereon.

9. The watercraft storage and retrieval apparatus of claim 7 wherein
10 said prime mover includes rails upon which the motor driven towing means is supported for movement, said rails also capable of supporting a cradle for movement thereon.

10. The watercraft storage and retrieval apparatus of claim 7 including
15 a plurality of rails in each storage location for supporting a cradle and watercraft thereon,

a plurality of rails on the prime mover for supporting a cradle thereon, and

means to align and engage the ends of the rails on the prime mover to the ends of the rails in any selected storage location.

20 11. The watercraft storage and retrieval apparatus of claim 10 wherein the towing means is supported on the prime mover rails.

12. The watercraft storage and retrieval apparatus of claim 7 wherein
the motor for the towing means is located on the prime mover, said prime mover
being suspended from a traveling crane, whereby the traveling crane provides
25 three orthogonal directions of movement for the prime mover and a cradle thereon.